

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 13, 2000

D035092 People v. Barsoom

Judgment affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D035392 Hooser v. Superior Court of San Diego County/Ray

Let a writ of mandate issue directing the superior court to modify its order granting in part and denying in part the motion to quash to provide that Hooser need not respond to Ray's requests for the names of Hooser's undisclosed clients and that Hooser may redact any client specific information set forth from bank statements relating to client trust account(s) maintained by him. The stay issued on April 7, 2000 is vacated when this opinion is final as to this court. Each party to bear its own costs on appeal. CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: Kremer, P.J., Haller, J.

D034078 People v. Pinedo

The judgment is affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., Huffman, J.

D036430 People v. Gonzales

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Don Work and James McIntyre
Deputy Clerk: D. E. Moore

D034951 Plaskon v. Von Arx

Cause called on merits. Robert H. Lynn, Esq. argued for appellant. Richard H. Benes, Esq. argued for respondent. Mr. Lynn replied for appellant. Cause submitted.

Court recessed at 9:33 a.m. to change panel members. New panel members: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke

D035241 Barker v. County of San Diego

Cause called on merits. Larry Barker, argued for appellant in pro per. William Songer, Deputy County Counsel argued for respondent. Mr. Barker replied. Cause submitted.

D033897 People v. Burgess

D036185 In re Burgess on Habeas Corpus

Causes called on merits. John L. Staley, Esq. argued for appellant. Rhonda Cartwright-Ladendorf, Deputy Attorney General argued for respondent. Mr. Staley replied for appellant. Cause submitted as to appeal ONLY, D033897.

D034488 Andersen v. Shears

Cause called on merits. James F. Keleher, Esq. argued for appellant. Stephen David Lemish, Esq. argued for respondent. Mr. Keleher replied for appellant. Cause submitted.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 13, 2000 (Continued)

Court recessed at 10:28 a.m. to change panel members. New panel members: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and James McIntyre

D035069 Teator v. Ford Motor Company

Cause called on merits. Hallen D. Rosner, Esq. argued for appellant. Richard R. Castillo, Esq. argued for respondent. Mr. Rosner replied for appellant. Cause submitted.

D034587 Schooler v. State of California

Cause called on merits. James Brian Mehalick, Esq. argued for appellant. Michael D. Stump, Deputy Attorney General argued for respondent. Mr. Mehalick replied for appellant. Cause submitted.

Court recessed at 11:20 a.m. until 1:30 p.m.

D031688 Huffman v. City of Poway et al.

D032830 Huffman v. City of Poway et al.

The judgments are reversed. Huffman is entitled to costs on appeal. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

D036661 People v. Gaytan

Appellant's motion for constructive filing of a notice of appeal is denied.

D036614 In re the Marriage of Kelly and David Bostwick

On the Court's own motion, this court's order of November 1, 2000, dismissing the above-entitled appeal is vacated and the appeal is reinstated.

D035429 People v. Orosco

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre

Deputy Clerk: D. E. Moore

D032100 Papenthien v. Papenthien

Cause called on merits. No appearance by appellant in pro per, Ms. Papenthien. Paul F. Sorrentino, Esq. was present in oral argument for respondent, but did not request oral argument and had nothing to add to the argument. Cause submitted.

Court recessed at 1:36 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 13, 2000 (Continued)

D034681 Kamex Link, Inc. v. Oceangate Forwarding, Inc.

Cause called on merits. Roderick James Lindblom, Esq. argued for appellant. Eric Charles Demler, Esq. argued for respondent. Mr. Lindblom replied for appellant. Cause submitted.

D032891) People v. Robinson, et al.

D033160) People v. Cowan

D033164) People v. Richardson

Cause called on merits. Michael L. Crowley, Esq. argued for appellant, Cowan. Susan K. Keiser, Esq. argued for appellant, Richardson. Sylvia Koryn, Esq. argued for appellant, Robinson. Carlson LeGrand, Deputy Attorney General argued for respondent. Ms. Keiser replied. Cause submitted.

Court recessed at 2:45 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Terry O'Rourke

D034502 In re Blake V., a Juvenile

Cause called on merits. Laurance S. Smith, Esq. argued for appellant. Melissa Mandel, Deputy Attorney General argued for respondent. Mr. Smith replied for appellant. Cause submitted.

Court recessed at 3:20 p.m. until Tuesday, November 14, 2000 at 9:00 a.m.

D036686 Zepeda v. Washington Mutual Bank et al.

Pursuant to California Rules of Court, rule 10(c), the appeal filed October 18, 2000, is dismissed for appellant's failure to timely designate the record or deposit costs (Cal. Rules of Court, rules 4(a)(c) and 5(a)(c)).

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 14, 2000

D036031 In re Sanders on Habeas Corpus

The petition is denied.

D036072 In re Phaymany on Habeas Corpus

The petition is denied.

D034931 Abdulmeseh v. Registrar of Contractors of the Contractors' State License Board

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

D034790 People v. McNally

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., McIntyre, J.

D028750 People v. Wilson

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices
Gilbert Nares and Alex McDonald

Deputy Clerk: D. E. Moore

D033973 People v. Thomas

Cause called on merits. Robert W. Hicks, Esq. argued for appellant. Susan Miller, Deputy Attorney
General argued for respondent. Cause submitted.

D035333 Distefano v. Forester

Cause called on merits. Eric Vaughn Traut, Esq. argued for appellant. Julie Woods, Esq. argued for
respondent. Mr. Traut replied for appellant. Cause submitted.

D034753 John D. Franklin, Jr. v. Anthony A. Charlton, Inc.

Cause called on merits. J. David Franklin, Esq. argued for appellant. Arthur E. Wellman, Esq. argued for
respondent. Mr. Franklin replied for appellant. Cause submitted.

D034913 County of Riverside v. Harvill

Cause called on merits. Chris Garrett, Esq. argued for appellant. John L'Estrange, Esq. argued for
respondent. Mr. Garrett replied for appellant. Cause submitted.

Court recessed at 10:20 a.m. until 1:30 p.m.

D034493 Morris v. Employers Reinsurance Corporation

The judgment is reversed. Costs are awarded to appellant. CERTIFIED FOR PUBLICATION.
McIntyre, J.; We Concur: Work, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 14, 2000 (Continued)

D035053 In re Justin B., a Juvenile

The judgment is reversed and the matter is remanded to the juvenile court for further proceedings consistent with this opinion. McIntyre, J.; I Concur: McDonald, J.; I Dissent: Haller, J. (opinion)

D034616 People v. Melendres

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D035654 People v. Koch

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Work, J.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Alex McDonald

Deputy Clerk: D. E. Moore

D032440) People v. Bowman, et al.

D033146) People v. Sumner

Cause called on merits. Stephen Gilbert, Esq. argued for appellant, Sumner. Roberta K. Thyfault, Esq. argued for appellant, Jackson, and submitted additional authorities. Matthew Mulford, Deputy Attorney General argued for respondent. Mr. Gilbert replied. Cause submitted.

D034471 People v. Fengler

Cause called on merits. Keith H. Rutman, Esq. argued for appellant. Holly Hoffman, Deputy Attorney General argued for respondent. Mr. Rutman replied for appellant. Cause submitted.

D034925 Sheppard v. Godfrey

Cause called on merits. R. Ted Haas, Esq. argued for appellant. Kathleen O'Hanlon Peterson, Esq. argued for respondent. Mr. Haas replied for appellant. Cause submitted.

D034647 Petar Artukovich Construction Company, Inc. v. City of San Diego

Cause called on merits. Kerri M. Melucci, Esq. argued for appellant. Marie Wright-Travis, Deputy City Attorney argued for respondent. Ms. Melucci replied for appellant. Cause submitted.

Court recessed at 2:50 p.m. until Wednesday, November 15, 2000 at 9:00 a.m.

D036040 In re Dase on Habeas Corpus

The petition is denied.

D035198 People v. Cataldo

The judgments are affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 14, 2000 (Continued)

D036660 Wallace v. Superior Court of San Diego County/People

Let a writ of mandate issue directing the superior court to vacate that portion of its October 10, 2000, order imposing 365 days in custody of the sheriff as a condition of probation in case SCE206396, and enter a new order imposing 365 days in custody of the sheriff as a condition of probation in case SCD145784. The opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(d).) Nares, J; We Concur: Huffman, Acting P.J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 15, 2000

D036719 Disguise, Inc. v. Imagination Design Studios, Inc. et al.

The petition is denied.

D036604 In re Walker on Habeas Corpus

The petition is denied.

D034234 People v. Hernandez

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Work, J.

D036149 Spencer v. Natural Alternatives International, Inc.

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

D036267 Hutton et al. v. Superior Court of San Diego County/Walker et al.

The petition is denied.

D033720 People v. Flores

The judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices

Richard Huffman and Judith Haller

Deputy Clerk: D. E. Moore

D033632 Burdick v. Fraden

Cause called on merits. Patrick J. Mazzei, Esq. argued for appellant. James D. Crosby, Esq. argued for respondent. Mr. Mazzei replied for appellant. Cause submitted.

D034049 People v. Wilson

Cause called on merits. Martha L. McGill, Esq. argued for appellant. Carlson LeGrand, Deputy Attorney General argued for respondent. Ms. McGill replied for appellant. Cause submitted.

D034132 People v. Williams

D035713 In re Williams on Habeas Corpus

D035821 Williams v. Superior Court/People-RPI

Causes called on merits. Mark Lee Williams argued for appellant in pro per. Barry Carlton, Deputy Attorney General argued for respondent. Mr. Williams replied for appellant in pro per. Cause submitted as to appeal ONLY, D034132.

D034703 Foxworth v. KUSI-TV, et al.

Cause called on merits. Leon J. Saad, Esq. argued for appellant. Guylyn R. Cummins, Esq. argued for respondent. Mr. Saad replied for appellant. Cause submitted.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 15, 2000 (Continued)

D034890 Damon v. Ocean Hills Journalism Club, et al.

Cause called on merits. David W. Graves, Esq. argued for appellant. Guylyn R. Cummins, Esq. argued for respondent, Ocean Hills Journalism Club and etc. William Harris, Esq. was present in oral argument for respondent, Terry and etc., but did not argue. Mr. Graves replied for appellant. Cause submitted.

D033080 Molnar v. Regents of the University of California, et al.

Cause called on merits. Paul Molnar argued for appellant in pro per. Richard A. Paul, Esq. argued for respondent. Mr. Molnar replied for appellant in pro per. Cause submitted.

Court recessed at 11:30 a.m. until 1:30 p.m.

D034488 Andersen et al. v. Shears et al.

The judgment is affirmed. Respondents are awarded costs on appeal. Work, Acting P.J.;
We Concur: McIntyre, J., O'Rourke, J.

D035150 People v. Balcazar

The sentence is vacated and the case remanded for resentencing in accordance with the views expressed in this opinion. In all other respects the judgment is affirmed. Huffman, Acting P.J.;
We Concur: McDonald, J., O'Rourke, J.

D035216 West Village, Inc. v. California Coastal Commission

Judgment affirmed. Haller, J.; We Concur: Kremer, P.J., Nares, J.

D033716 Colvin v. Daou Systems, Inc. et al.

The judgment is affirmed. Appellant to bear costs on appeal. O'Rourke, J. We Concur: Kremer, P.J., Work, J.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke
Deputy Clerk: D. E. Moore

D034893 Apartment Opportunity Fund II v. New Dawn Equities, Inc.

Cause called on merits. Louis E. Goebel, Esq. argued for appellant. Richard Ruben, Esq. argued for respondent. Mr. Goebel replied for appellant. Cause submitted.

Court recessed at 1:54 p.m. to change panel members. New panel members: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke

D033550 Nelson v. Regents of the University of California

Cause called on merits. Leon J. Saad, Esq. argued for appellant. Fred M. Plevin, Esq. argued for respondent. Mr. Saad replied for appellant. Cause submitted.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 15, 2000 (Continued)

D035615 Newport Pacific, Inc., et al. v. County of San Diego, et al.

Cause called on merits. Robert I. McMurry, Esq. argued for appellant. Donald Wayne Brechtel, Esq. argued for respondent. Mr. McMurry replied for appellant. Cause submitted.

D034987 Scarecrow Farms v. Phoenixcor, Inc.

Cause called on merits. T. Hall Bremhe, Esq. argued for appellant. Steve Spinella, Esq. argued for respondent. Mr. Bremhe replied for appellant. Cause submitted.

Court recessed at 3:10 p.m. until Thursday, November 16, 2000 at 9:00 a.m.

D031338 Poway Land, Inc. v. Poway Redevelopment Agency

D033274 Poway Land, Inc. v. Poway Redevelopment Agency

D034233 Poway Land, Inc. v. Poway Redevelopment Agency

The judgment is affirmed in Nos. D031338 and D033274. The postjudgment orders awarding attorney fees and costs are affirmed with the exception of the award of the specified costs in the amount of \$173,221.76, which are stricken, and the orders modified accordingly. The abandoned appeal and cross-appeal in No. D034233 are dismissed. Costs on appeal are awarded to PLI. Huffman, J.;

We Concur: Kremer, P.J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 15, 2000 (Continued)

D036618 In re Diana S., a Juvenile

The attorney for petitioner Maria Laura D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D036763 Dixon v. Superior Court of San Diego County/Dixon

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 16, 2000

D034552 People v. Davis

The judgment is affirmed. Huffman, Acting P. J., We Concur: Nares, J., O'Rourke, J.

D036749 Ward v. Superior Court of San Diego County/Ward

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices
Gilbert Nares and Alex McDonald

Deputy Clerk: D. E. Moore

D032890 People v. Fennell

Cause called on merits. Gary E. Nelson, Esq. argued for appellant. John Swan, Deputy Attorney General argued for respondent. Mr. Nelson replied for appellant. Cause submitted.

D033642 Dodge v. J.B.H. Investments, Inc., et al.

Cause called on merits. David R. Clark, Esq. argued for appellant. David Baumgarten, Esq. argued for respondent. Mr. Clark replied for appellant. Cause submitted.

D034809 Opdycke v. Shumate, et al.

Cause called on merits. David Demanski, Esq. argued for appellant. Karl Bloomfield, Esq. argued for respondent, Shumate. Scott Patterson, Esq. argued for respondent, Vista Grande Church. Mr. Demanski replied for appellant. Cause submitted.

D034408 Advance Checking, Inc. v. Checksystems

Cause called on merits. Dennis O. Seymour, Esq. argued for appellant. Jeffry A. Miller, Esq. argued for respondent. Mr. Seymour replied for appellant. Cause submitted.

D035422 In re Jerome D., a juvenile

Cause called on merits. Gary Seiser, Deputy County Counsel argued for respondent. Kathleen M. Mallinger, Esq. argued for appellant, LaDawn P. M. Elizabeth Handy, Esq. argued for the minor, Jerome D. Linda Fabian, Esq. argued for appellant, Jim D. Mr. Seiser replied. Cause submitted.

Court recessed at 11:30 a.m. until 1:30 p.m.

D034384 People v. Cabrera

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D036452 People v. Jackett

The judgment is affirmed. Huffman, J., We Concur: Kremer, P., J., Nares, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 16, 2000 (Continued)

D036413 Nemeth v. Klein

The judgment is affirmed. McDonald, J., We Concur: Work, Acting P. J., Huffman, J.

D035069 Teator v. Ford Motor Company

The order is reversed with directions. Teator shall have costs on appeal. Work, Acting P.J.;
We Concur: Huffman, J., McIntyre, J.

D036126 In re Pierce on Habeas Corpus

The petition is denied.

D035582 In re Michelle H., a Juvenile

The judgment is affirmed. Kremer, P. J., We Concur: Nares, J., McDonald, J.

**D036706 Dirty Dan's Inc., etc. v. Manurel Espinoza, Interim Director of Alcoholic Beverage
Control Board, etc., and Alcoholic Beverage Control Appeals Board**

The petition is denied.

**D030839 Auxter v. Infinite Possibilities International, LLC, et al.; Flynn, Sheridan, Tabb &
Stillman et al.**

The judgment and orders are affirmed. Auxter is entitled to costs and to attorneys fees on appeal pursuant
to Labor Code section 218.5 Work, J.; We Concur: Kremer, P.J., Nares, J.

D035536 Nafsu v. Hurd

The judgment is reversed and the matter is remanded for further proceedings in accordance with this
decision. Nafsu is to recover his costs of appeal. CERTIFIED FOR PUBLICATION. McIntyre, J.;
We Concur: Work, Acting P.J., O'Rourke, J.

D034738 People v. Berson

The conviction and revocations of probation are affirmed. The eight-month consecutive term in
SCD113317 is stricken. The matter is remanded for resentencing and to make other corrections to the
second amended abstract of judgment as require. Work, Acting P.J.; We Concur: Huffman, J., Nares, J.

D034668 People v. Moore

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., McDonald, J.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices
James McIntyre and Terry O'Rourke

Deputy Clerk: D. E. Moore

D034265 People v. Dunn

Cause called on merits. Gregory Marshall, Esq. argued for appellant. Marvin Mizell, Deputy Attorney
General argued for respondent. Mr. Marshall replied for appellant. Cause submitted.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 16, 2000 (Continued)

D033495 People v. Johnson

Cause called on merits. Gregory Marshall, Esq. argued for appellant. Gary Schons, Deputy Attorney General argued for respondent. Mr. Marshall replied for appellant. Cause submitted.

D034491 Baldwin v. Dimensional Insurance Agency

Cause called on merits. Steven L. Victor, Esq. argued for appellant. Peter Michael Downey, Esq. argued for respondent. Mr. Victor replied for appellant. Cause submitted.

D034206) Bame v. City of Del Mar

D034354) City of Del Mar v. 22nd District Agricultural Association

Cause called on merits. Randall Christison, Deputy Attorney General argued for appellant, 22nd District. Barry J. London, Esq. argued for appellant, 22nd District. Alexandra M. Kowka, Esq. argued for appellant, Bame. Tamara A. Smith, Esq. argued for respondent, City of Del Mar. Mr. London replied. Cause submitted.

Court recessed at 3:20 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

D036037 Best Western International, Inc. v. Superior Court/Bell-RPI

Matter called on merits. Campbell E. Wallace, Esq. argued for petitioner. Alexander Paul Zarcone, Esq. argued for real party in interest. Mr. Wallace replied for petitioner. George Webster Pfeiffer, Esq. was present in oral argument for petitioner, Best Western but did not argue. Matter submitted.

Court adjourned at 3:45 p.m.

D036760 In re Raymundo German M., a Juvenile

The Notice of Appeal filed November 9, 2000 is dismissed as untimely.

D036762 In re Larry Seth C., a Juvenile

In that there is a reference to a Welfare & Institution Code section 366.26 hearing, any issues that might be raised are non-appealable. (See Anthony D. v. Superior Court (1998) 63 Cal.App.4th 149.) The appeal (D036762) is dismissed.

D035856 People v. Marsitto

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D036758 In re Shannon H., a Juvenile

Appellant purports to appeal a hearing of November 7, 2000. A review of the superior court file shows no hearing on that date in this case. The appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 16, 2000 (Continued)

D036542 In re Maleek H. et al., Juveniles

The attorney for petitioner Hester H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 17, 2000

D036614 Woods v. Bostwick

The petition is denied.

D036409 People v. Morales

The matter is remanded to the trial court for its determination of the modifications necessary to the above probation conditions to more narrowly tailor them to the offense and the offender. In all other respects, the judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J

D036404 People v. Behrens

The judgment is affirmed. Kremer, P.J.; We Concur: Work, J., O'Rourke, J.

D034949 People v. Miller

The sentence is modified to strike the prison prior alleged under section 667.5, subdivision (b). The superior court is directed to modify the abstract of judgment accordingly and to forward an amended abstract to the Department of Corrections. In all other respects the judgment is affirmed.

Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D036103 In re James on Habeas Corpus

The petition for habeas corpus has been read and considered by Justices Huffman, Haller and McDonald. The petition adds little to the record which is already before the court in the direct appeal D034933. The petition is denied for the reasons set forth in the opinion filed in case D034933 on November 17, 2000. The denial is without prejudice to James presenting the issue to the superior court by way of a new petition for habeas corpus so that he may seek to develop a further record to support his claim that trial counsel was ineffective at his resentencing hearing. (*People v. Mendoza Tello* (1997) 15 Cal.4th 264.)

D034933 People v. James

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D035653 In re Kelly K., a Juvenile

The order of July 18, 2000, granting the motion to consolidate the above entitled appeal with In re Patricia K., D035792, is vacated.

D035653 In re Kelly, K., a Juvenile

The appeal is dismissed. O'Rourke, J.; We Concur: Benke, Acting P.J., Nares, J.

D035983 In re Talia W., a Juvenile

The judgments are affirmed. Benke, J.; We Concur: Kremer, P.J., Huffman, J.

D035792 In re Patricia K., a Juvenile

The order selecting adoption as Patricia's permanent plan and terminating Margaret's parental rights is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J.; Nares, J.

D036745 Hilsen v. Superior Court of San Diego County/The People

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 17, 2000 (Continued)

D034788 People v. Cervantes

Judgment affirmed. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D035310 Augustine v. Kenner

The judgment dismissing Augustine's complaint is reversed with directions to enter an order permitting Augustine to allege that Kenner's alleged promise is enforceable under the doctrine of promissory estoppel. The order granting Kenner's motion for summary judgment is affirmed. Appellant to recover his costs of appeal. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

D036299 In re Willie G., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: Huffman, Acting P.J., Nares, J.

D035898 In re Deck on Habeas Corpus

The petition is denied.

D036716 In re Archer on Habeas Corpus

The petition is denied without prejudice to refiling after consideration by the superior court.

D027959 Carto et al. v. Legion For The Survival of Freedom, Inc.

The petition for rehearing is denied.

D036708 II-S Corporation v. Espinoza/ Alcoholic Beverage Control Appeals Board

The petition is denied.